

SENATE BILL 492

E2

2lr1602
CF 2lr1564

By: **Senator Gladden**

Introduced and read first time: February 2, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates – Life Imprisonment – Parole Approval – Felony Murder Accomplice**

3 FOR the purpose of providing that, if eligible for parole under certain provisions of
4 law, a certain eligible person or inmate who is serving a sentence of life
5 imprisonment based on a conviction under a certain provision of law involving
6 circumstances in which the eligible person or inmate was not a principal in the
7 first degree to the crime may be paroled without the approval of the Governor;
8 providing that the Board of Review for the Patuxent Institution or the Maryland
9 Parole Commission shall make a certain determination by a preponderance of
10 the evidence; and generally relating to sentences of life imprisonment.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 4–305(b) and 7–301(d)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Correctional Services**

19 4–305.

20 (b) (1) Except as provided in paragraph (2) of this subsection, an inmate
21 sentenced to life imprisonment is not eligible for parole consideration until the inmate
22 has served 15 years or the equivalent of 15 years when considering allowances for
23 diminution of the inmate’s period of confinement as provided under Title 3, Subtitle 7
24 of this article and § 6–218 of the Criminal Procedure Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) An inmate sentenced to life imprisonment as a result of a
2 proceeding under § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
3 parole consideration until the inmate has served 25 years or the equivalent of 25 years
4 when considering allowances for diminution of the inmate’s period of confinement as
5 provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure
6 Article.

7 (3) Subject to [paragraph (4)] **PARAGRAPHS (4) AND (5)** of this
8 subsection, an eligible person who is serving a term of life imprisonment may be
9 paroled only with the Governor’s approval.

10 (4) (i) If the Board of Review decides to grant parole to an eligible
11 person sentenced to life imprisonment who has served 25 years without application of
12 diminution of confinement credits, and the Secretary approves the decision, the
13 decision shall be transmitted to the Governor.

14 (ii) The Governor may disapprove the decision by written
15 transmittal to the Board of Review.

16 (iii) If the Governor does not disapprove the decision within 180
17 days after receipt, the decision becomes effective.

18 **(5) (I) AN ELIGIBLE PERSON WHO IS SERVING A TERM OF LIFE**
19 **IMPRISONMENT BASED ON A CONVICTION UNDER § 2–201(A)(4) OF THE**
20 **CRIMINAL LAW ARTICLE INVOLVING CIRCUMSTANCES IN WHICH THE PERSON**
21 **WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE CRIME MAY BE PAROLED**
22 **WITHOUT THE APPROVAL OF THE GOVERNOR.**

23 **(II) THE BOARD OF REVIEW SHALL MAKE THE**
24 **DETERMINATION OF WHETHER THE ELIGIBLE PERSON WAS NOT A PRINCIPAL IN**
25 **THE FIRST DEGREE TO THE CRIME BY A PREPONDERANCE OF THE EVIDENCE.**

26 7–301.

27 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an
28 inmate who has been sentenced to life imprisonment is not eligible for parole
29 consideration until the inmate has served 15 years or the equivalent of 15 years
30 considering the allowances for diminution of the inmate’s term of confinement under §
31 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

32 (2) An inmate who has been sentenced to life imprisonment as a result
33 of a proceeding under § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
34 parole consideration until the inmate has served 25 years or the equivalent of 25 years
35 considering the allowances for diminution of the inmate’s term of confinement under §
36 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

1 (3) (i) If an inmate has been sentenced to imprisonment for life
2 without the possibility of parole under § 2–203 or § 2–304 of the Criminal Law Article,
3 the inmate is not eligible for parole consideration and may not be granted parole at
4 any time during the inmate’s sentence.

5 (ii) This paragraph does not restrict the authority of the
6 Governor to pardon or remit any part of a sentence under § 7–601 of this title.

7 (4) Subject to [paragraph (5)] **PARAGRAPHS (5) AND (6)** of this
8 subsection, if eligible for parole under this subsection, an inmate serving a term of life
9 imprisonment may only be paroled with the approval of the Governor.

10 (5) (i) If the Commission decides to grant parole to an inmate
11 sentenced to life imprisonment who has served 25 years without application of
12 diminution of confinement credits, the decision shall be transmitted to the Governor.

13 (ii) The Governor may disapprove the decision by written
14 transmittal to the Commission.

15 (iii) If the Governor does not disapprove the decision within 180
16 days after receipt, the decision becomes effective.

17 **(6) (I) AN INMATE WHO IS ELIGIBLE FOR PAROLE AND IS**
18 **SERVING A TERM OF LIFE IMPRISONMENT BASED ON A CONVICTION UNDER §**
19 **2–201(A)(4) OF THE CRIMINAL LAW ARTICLE INVOLVING CIRCUMSTANCES IN**
20 **WHICH THE INMATE WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE CRIME**
21 **MAY BE PAROLED WITHOUT THE APPROVAL OF THE GOVERNOR.**

22 **(II) THE COMMISSION SHALL MAKE THE DETERMINATION**
23 **OF WHETHER THE INMATE WAS NOT A PRINCIPAL IN THE FIRST DEGREE TO THE**
24 **CRIME BY A PREPONDERANCE OF THE EVIDENCE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2012.